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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

SA9-99-0140US2

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on November 11, 2005Signature Patricia BeilmannTyped or printed name Patricia Beilmann

Application Number

10/617,322

Filed

July 9, 2003

First Named Inventor

Thomas Edward Dinan

Art Unit

2652

Examiner

Chen, Tianjie

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number 28,852☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

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Telephone number

November 11, 2005

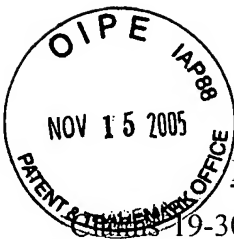
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒*Total of 1 forms are submitted.

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Claims 19-30 are pending, in which claims 19 and 25 are the independent claims. These claims have practically identical operative elements and claims 19 and 25 are as follows:

19. (original): A thin film device comprising:
at least one thin film layer;
at least one electrochemically plated component; said component being formed with an overplated head that includes overhang portions;
hard baked photoresist being disposed beneath said overhang portions to fill an area beneath said overhang portions. (Emphasis added)
25. (original): A hard disk drive, comprising:
at least one hard disk being adapted for rotary motion upon a drive device;
at least one slider device having a slider body portion being adapted to fly over said hard disk; a magnetic head being formed on slider body for writing data on said hard disk; said magnetic head including:
at least one thin film layer;
at least one electrochemically plated component; said component being formed with an overplated head that includes overhang portions;
hard baked photoresist being disposed beneath said overhang portions to fill an area beneath said overhang portions. (Emphasis added)

A component of Applicant's invention that satisfies the limitations of independent claims 9 and 25 is depicted in Fig. 9 (attached) of the application and described in the specification on page 7, line 24 - page 8, line 2 as:

"As depicted in Fig. 9, owing to the straight, line of sight directional nature of the RIE process, portions 76 of the hard baked photoresist remain beneath the undersurface 40 of the overhanging portion 42 of the mushroom head 38." Emphasis added

In paragraphs 1 and 2 of the Office Action claims 19-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Cohen et al (US 5,995,342), stating:

"Claims 19 and 25, Cohen et al shows a thin film device in Figs. 1A and 2 including: at least one thin film layer 16; at least one component 32A; the component being formed with an overplated head (the whole portion above 16) that includes overhang portions 28; hard baked photoresist 40 (Column 18, lines 40-49) being disposed beneath the overhang portions to fill an area beneath the overhang portions 28."

Claim 25, Cohen further shows the thin film device is inherently used to an hard disk drive (Column 1, lines 12-47), including: at least one

hard disk being adapted for rotary motion upon a drive device; at least one slider device having a slider body portion being adapted to fly over the hard disk; a magnetic head being formed on slider body for writing data on the hard disk.

Claims 20 and 26, Cohen et al further shows that the component 32A is formed into an opening formed in a photoresist layer (Column 13, lines 3-6).

Claims 21 and 27, Cohen et al further shows that the device is a thin film magnetic head.

Claims 24 and 30, Cohen et al further shows in Fig. 3(a) that the component 32A is an electrical interconnecting stud.

Claims 22/19 and 28/25 Cohen et al shows a thin film device in Figs. 1A and 2 including: at least one thin film layer 16; at least one component 20; the component being formed with an overplated head (the whole portion above 16) that includes overhang portions 28; hard baked photoresist 40 (Column 18, lines 40-49) being disposed beneath the overhang portions to fill an area beneath the overhang portions 28; the component 20 is a yoke portion of a magnetic pole.

Claims 23 and 29, Cohen further shows in Fig. 1A that the yoke 20+28 is formed with straight sided pole tip portions 22 and 30 and overplated yoke portions 28 and 26.

Applicant respectfully traverses this ground of rejection and asserts that the claims include limitations that are not taught by the cited prior art. Each of independent claims 19 and 25 basically recite a device including:

1. a component having
2. a head with overhang portions and
3. having photoresist beneath the overhang portions of the head.

Also, within each of claims 19 and 25 are further limitations (“electrochemically plated” components and “hard baked” photoresist) which have been characterized by the Examiner as being process limitations and therefore have no weight in determining patentability. Therefore, the patentability of claims 19 and 25 basically relies on the above-stated limitations of 1. a component having 2. a head with overhang portions and 3. having photoresist beneath the overhang portions of the head.

Figs. 1A and 2 of Cohen ‘342 are attached for convenience.

Applicant continues to assert that the prior art fails to teach such a device, as is next discussed.

Particularly, within the first paragraph of the above quoted Office Action rejection, component 32A is identified as satisfying the limitation that it has an overplated head. However, component 32A is identified as an induction coil portion, see column 11, lines 55-56. This component 32A is not depicted or described in Cohen '342 as having an overplated head, rather, as depicted in Fig. 2, this component 32A has a flat upper surface upon which an insulative layer 19 is disposed. Furthermore, component 32A has no overhang portions. Therefore component 32A of the prior art does not teach the limitations set forth in independent claims 19 and 25.

The closing phrase of the first paragraph of the rejection as indicates that component 28 of Cohen '342 is such a component as would satisfy the limitations set forth above in claims 19 and 25. Component 28 is identified in col. 11, line 55 as a yoke arm. However there is no depiction, teaching or discussion in Cohen '342 that component 28 has an overplated head, nor that it includes overhang portions with photoresist therebeneath.

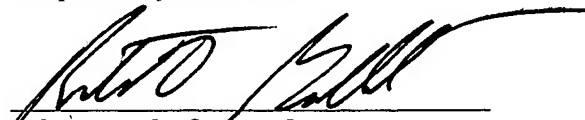
In the above quoted rejection, component 20 is also asserted to satisfy the limitations set forth in independent claims 19 and 25. However, component 20 is identified as a yoke arm, see col. 9, line 53, and there is no depiction, teaching or discussion in Cohen '342 that component 20 is formed with an overplated head, nor that it includes overhang portions, nor that any overhang portions have photoresist therebeneath, as is recited in independent claims 19 and 25.

Applicant therefore respectfully submits that independent claims 19 and 25 are allowable in that they recite limitations not taught in the cited prior art.

With regard to dependent claims 20-24 and 26-30 Applicant respectfully submits that these claims are allowable in that they depend, either directly or indirectly from an allowable base claim.

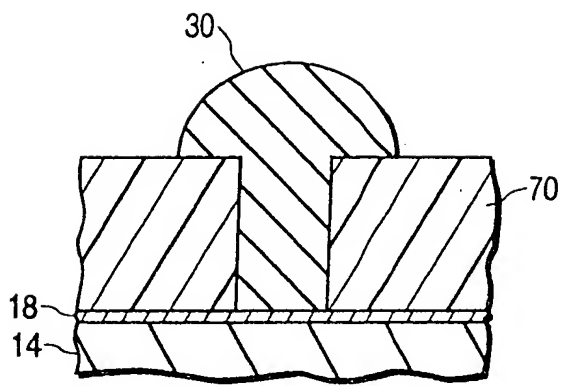
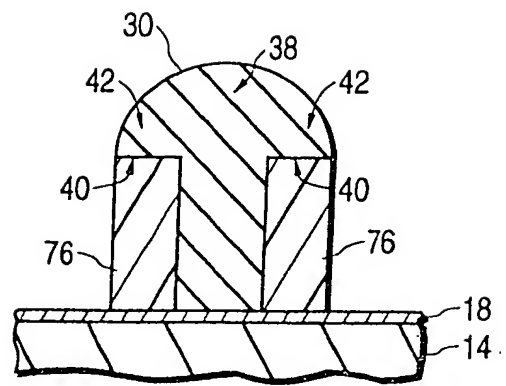
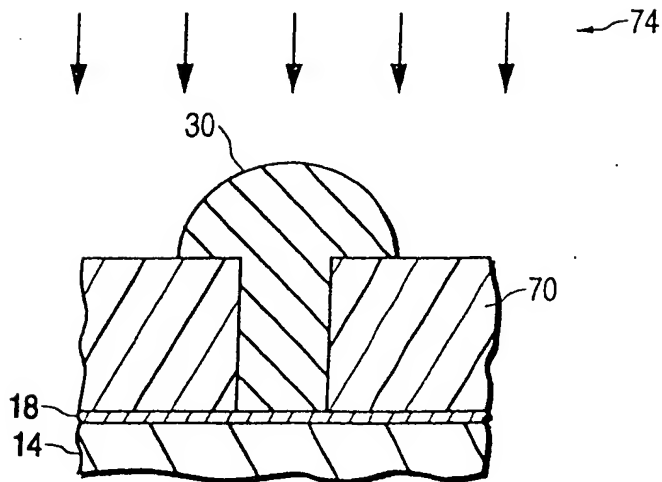
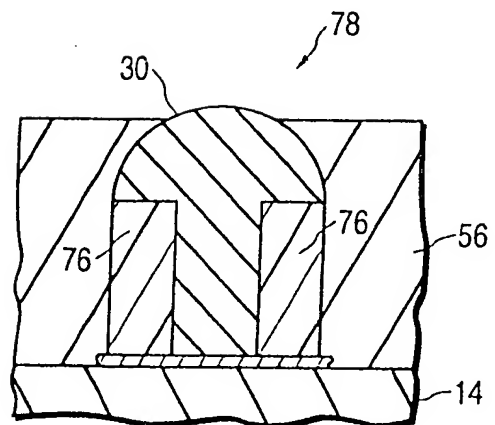
Dated: November 11, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert O. Guillot', written over a horizontal line.

ROBERT O. GUILLOT

Reg. No. 28, 852

**FIG. 7****FIG. 9****FIG. 8****FIG. 10**

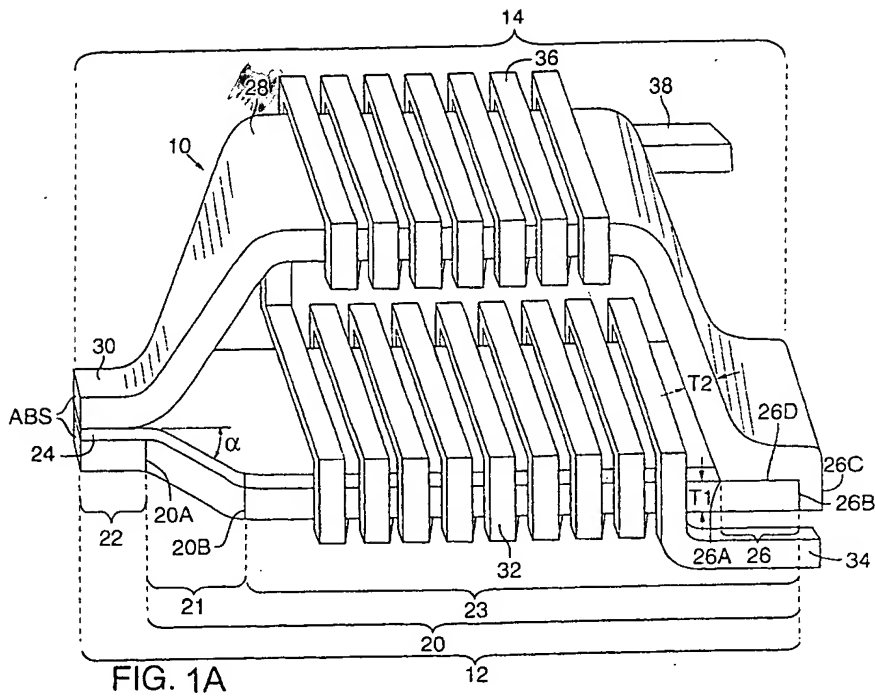


FIG. 1A

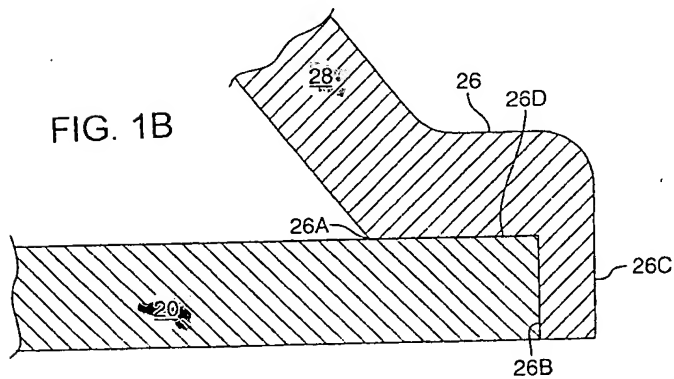


FIG. 1B

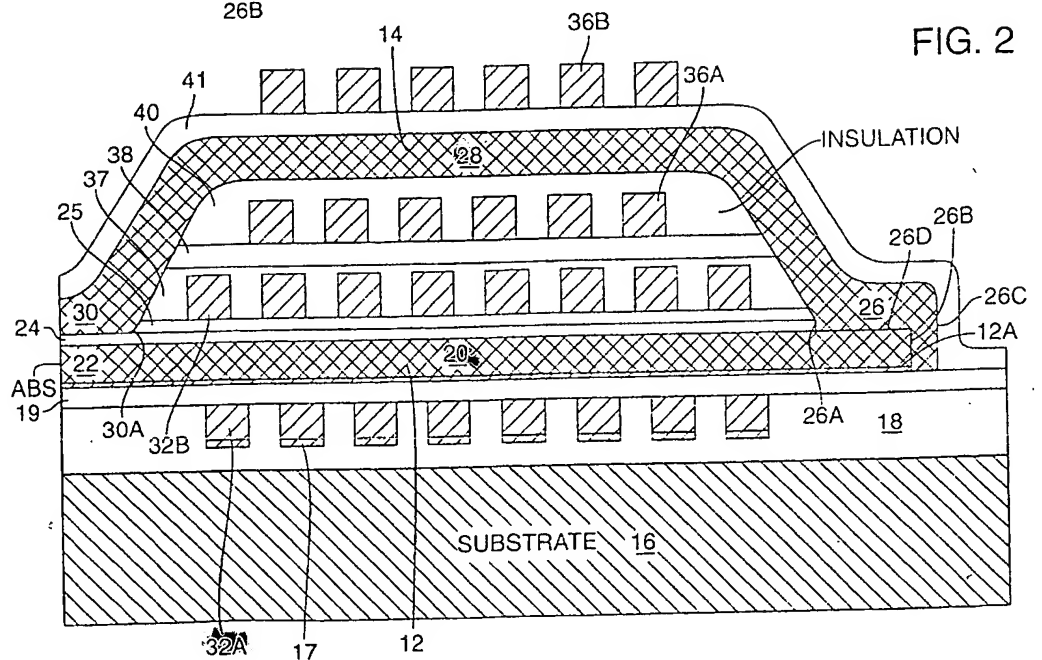


FIG. 2